

**ORDINANCE NO. 7
SERIES 2000**

AN ORDINANCE AMENDING SECTION 9-3-11 OF THE CITY CODE OF THE CITY OF GUNNISON REGARDING THE CLEANING OF, AND SNOW AND ICE REMOVAL FROM, PUBLIC SIDEWALKS, REPEALING SECTION 9-3-12 REGARDING PENALTIES; AND ADDING SECTION 9-5-5 TO THE CITY CODE OF THE CITY OF GUNNISON REGARDING SNOW REMOVAL FROM PUBLIC SIDEWALKS.

WHEREAS, the prompt removal of accumulations of snow and ice from the public sidewalks within the City of Gunnison serves the public health, safety, and welfare of the citizens of the City of Gunnison by making the public streets safer for pedestrian traffic; and

WHEREAS, the City Council of the City of Gunnison has determined that the duty to remove snow and ice from the public sidewalks will most reasonably and efficiently be accomplished by the owners or occupants of the adjoining property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:

Section 1. Chapter 9, Article 3, Section 11, City Code of the City of Gunnison, Colorado, is hereby repealed and re-enacted to read as follows:

9-3-11 Cleaning Sidewalks; Removal of Snow and Ice.

A. Generally. The owner, occupant, or agent of the owner of any building, property, or vacant lot in the City is required to maintain the sidewalks, parking area, and curbs, (the area from the property line to the gutter), adjoining the building, property, or vacant lot in a clean condition and to remove snow and ice from adjoining sidewalks immediately after every snowfall.

B. Nuisance Declared. Any violation of this section is a public nuisance which may be the subject of an emergency abatement pursuant to Section 5-3-4 (f) of the City Code of the City of Gunnison.

C. Civil Liability Imposed. Any person who controls, owns, or occupies property that abuts or adjoins any sidewalk, parking area, and curbs, (the area from the property line to the gutter) open to the public owes a duty to all persons using such sidewalk, parking area, and curbs to comply with the provisions of Section 9-3-11. Any person injured by the breach of such duty shall have cause of action for damages against the person who failed to comply with such duty, it being the express intent of this subsection (C) to impose civil liability on property owners for injuries incurred on public sidewalks, parking areas, and curbs within the City as a result of the failure by any such property owner to comply with this Section 9-3-11.

Section 2. Chapter 9, Public Ways and Property, Article 3, Sidewalks, Curbs, and Gutters, Section 12, entitled "Violation", of the City Code of the City of Gunnison is hereby repealed.

Section 3. Chapter 9, Public Ways and Property, Article 5, Snow Removal, of the City Code of the City of Gunnison, is hereby amended by the addition of the following Section 9-5-5, to read as follows:

9-5-5. Snow Removal from Public Sidewalks. The requirements for snow removal from public sidewalks are as set forth in Section 9-3-11 of the City Code of the City of Gunnison.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 25th day of April, 2000, on first reading, and introduced, read, and **NOT** adopted on second and final reading this 9th day of May, 2000.

Mayor

ATTEST:

City Clerk

This Ordinance was defeated on second reading by a unanimous vote of City Council on May 9, 2000.